

22358. Misbranding of Ulcicur and Ulticur. U. S. v. The Ulcicur Co., Inc.
Plea of guilty. Fine, \$300. (F. & D. no. 30173. I. S. nos. 25153, 26328.
Sample nos. 2026-A, 3251-A, 6734-A.)

Examination of the drug products involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ulcicur Co., Inc., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about January 27, 1931, February 7, 1931, and February 6, 1932, from the State of Illinois into the States of Iowa, Indiana, and Missouri, of quantities of Ulcicur which was misbranded; also shipment by said company under the name of the Ulticur Co., on March 29, 1932, from the State of Illinois into the States of Colorado and Indiana, of quantities of Ulticur which was misbranded.

The article consisted of a liquid and a powder. Analyses by this Department of samples of two of the shipments of Ulcicur showed that the liquid consisted essentially of an extract of plant drugs including gentian, alcohol, glycerin, and water; one of the samples also contained sugar. Analyses of the liquid in the remaining shipment of Ulcicur and the two shipments of Ulticur showed that they were essentially of the same composition, consisting of extract of plant drugs including a bitter drug, glycerin, alcohol, sugar, a small amount of nitric acid, and water. The powder consisted of bismuth subnitrate.

It was alleged in the information that two of the shipments of Ulcicur were misbranded in that certain statements, designs, and devices appearing on the bottle labels, boxes, cartons, and in a booklet and circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for ulcers of the stomach, acidosis, indigestion, gastritis, and general stomach disorders; effective as an aid to digestion; effective to clean out all poisons from the system; effective to increase weight; effective to increase strength; effective as a treatment, remedy, and cure for ulcers of the duodenum; effective as a treatment, remedy, and cure for acidity and all stomach troubles; effective as a body builder; effective as a treatment, remedy, and cure for gastric ulcer; effective as a treatment for pain, tenderness, vomiting, indigestion, dyspepsia, and stomach pains due to ulcerated stomach; effective as a treatment, remedy, and cure for upset stomach from alcoholic beverages, sour stomach with generally prevalent bad breath, gas disturbances, belching, bloating, disturbed sleep and rest, fullness and pain in the back just under the shoulder blades; effective to heal ulcers of the stomach; effective as a treatment for hemorrhage and bleeding of the ulcer and surrounding tissues; effective as a relief for stomach and duodenal ulcers; effective as a treatment, remedy, and cure for stomach ulcers in far advanced stage; effective to bring relief in many cases of ulcer in an aggravated state; effective to bring relief after surgical operations had failed to stop the progress of ulcers; effective as an ideal remedy for ulcers and other stomach disorders; effective as a God-send to humanity suffering from ulcers; effective to save life; effective to enable sufferers from ulcers of the stomach to eat whatever they like; effective as a treatment for hemorrhage caused by ulcer; and effective as a treatment for acidity growing out of sinus trouble. Misbranding of the remaining lot of Ulcicur was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for ulcers of the stomach, acidosis, indigestion, gastritis, and general stomach disorders; effective as an aid to digestion; effective as a relief for bloated, gaseous, overstuffed, and distressed feeling from over-indulgence in food or beverages, acute indigestion, and other temporary disorders; effective as a treatment, remedy, and cure for gastric ulcer; effective as a treatment, remedy, and cure for pain and tenderness over the upper region of the stomach (just under the lower ribs), severe and shooting pains through the back and to the sides, cramps, doubling up, tearing or knifelike pains, inflamed condition of the abdominal lining around the ulcer, vomiting and passing by the bowel of blood; effective as a treatment for prevalent bad breath, belching, bloating, loss of appetite, nervousness, irritability, lowering of vitality, headaches and disturbed sleep and rest; effective as a treatment for gastric disturbances, general weakness, anemia, loss of weight, and tenderness on pressure over the stomach; effective as a treatment, remedy,

and cure for duodenal ulcer; effective as a treatment for symptoms of duodenal ulcer, such as slight dyspeptic disturbances, perforation, intense pain during vomiting in the upper part of the abdomen with rigidity of its walls, faintness, rapid wiry pulse, pinched and anxious expression, pain in the back and shoulders, distended abdomen, hunger pain, tenderness in the right abdominal region and repeated attacks of bloody discharges from the bowels, sometimes accompanied by bloody vomit; effective to heal ulcers of the stomach; effective as a preventive of peritonitis resulting from hemorrhages due to ulcers; effective as a treatment for various disorders of the stomach; effective as a preventive of infection; effective as a treatment, remedy, and cure for other stomach troubles, such as dyspepsia, gaseous disturbances, indigestion and upset stomach from alcoholic beverages; effective as a treatment for other stomach troubles caused by faulty diet or hyperacidity; effective as a treatment for gastritis, acute gastritis, chronic gastritis, or catarrh of the stomach, called by many acute indigestion or dyspepsia; effective to heal and soothe the raw and sensitive surface and to bring relief within a short period of time; effective to overcome the excess acid condition and to promote the proper activity of the gastric glands; effective to afford certainty of comfort; effective to rid the body of ulcers and other stomach ailments and troubles; effective to increase weight and strength; effective to bring relief in many cases of ulcers in an aggravated state; effective as a permanent relief for ulcers; effective as a God-send to humanity suffering from ulcers; effective to save life; effective as a cure for ulcers of the stomach after operations had failed; effective to enable sufferers from ulcers to eat whatever they like; effective as a complete cure for ulcers; effective as a treatment for acidity growing out of sinus trouble; and effective as a treatment for hemorrhages caused by ulcers.

Misbranding of the two lots of Ulticur was alleged for the reason that the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for ulcers of the stomach; effective to clean out of the system all the poisons responsible for ulcers of the stomach; and effective to overcome stomach discomfort.

On May 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300.

M. L. WILSON, *Acting Secretary of Agriculture.*

22359. Adulteration and misbranding of fluidextract aconite. U. S. v. Sutliff & Case Co., Inc. Plea of guilty. Fine, \$70 and costs. (F. & D. no. 30211. Sample no. 25508-A.)

This case was based on an interstate shipment of fluidextract aconite that was represented to conform to the standard established by the National Formulary. Tests of the article showed that it had a potency of about one-third the requirement of the said formulary.

On September 25, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sutliff & Case Co., Inc., a corporation, Peoria, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 23, 1932, from the State of Illinois into the State of Missouri, of a quantity of fluidextract of aconite which was adulterated and misbranded. The article was labeled in part: "Fluid Extract Aconite, N. F. * * * Physiologically Standardized. Sutliff & Case Co."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary official at the time of investigation, since the article, when administered subcutaneously to guinea pigs, had a minimum lethal dose of 0.00012 cubic centimeter for each gram of body weight of guinea pig; whereas the formulary provides that fluidextract of aconite, when administered subcutaneously to guinea pigs, has a minimum lethal dose of not more than 0.00004 cubic centimeter for each gram of body weight of guinea pig, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statements, "Fluid Extract Aconite, N. F." and "Physiologically Standardized", borne on the bottle label, were false and misleading, since the article was not fluidextract of aconite that